

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

**ROBERT L. SALIM,
Plaintiff**

CIVIL DOCKET NO. 1:19-CV-00442

VERSUS

JUDGE DAVID C. JOSEPH

**LOUISIANA HEALTH SERVICE
& INDEMNITY CO. D/B/A BLUE
CROSS & BLUE SHIELD OF
LOUISIANA,
Defendant**

**MAGISTRATE JUDGE JOSEPH H.L.
PEREZ-MONTES**

AMENDED JUDGMENT

For the reasons stated in the REPORT AND RECOMMENDATION of the Magistrate Judge previously filed herein [Doc. 39], and after a de novo review of the record, including DEFENDANT'S OBJECTION TO MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION [Doc. 40], and having determined that the findings and recommendations are correct under the applicable law,

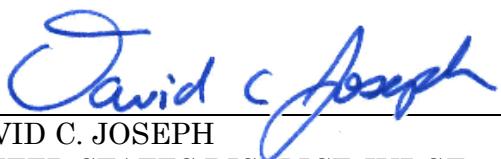
IT IS HEREBY ORDERED that Defendant shall provide coverage under the Plan for Salim's Proton Beam Therapy ("PBT"). The case shall be remanded to the Plan Administrator for submission of those claims by Salim and/or his medical care providers, and for a full and fair determination of benefits due under the Plan as to those claims. To the extent the Plan Administrator does not pay in full the costs billed to Plaintiff for his PBT treatment, this Court shall retain jurisdiction to provide any further relief requested.

IT IS FURTHER ORDERED that Salim's unbriefed and unsupported request for penalties is deemed abandoned and DENIED.

IT IS FURTHER ORDERED that in consideration of this Amended Judgment, the Defendant's MOTION FOR NEW TRIAL [Doc. 44] is DENIED as moot.

IT IS FURTHER ORDERED that in consideration of the APPEAL OF MAGISTRATE JUDGE DECISION [Doc. 46], the issue of attorney fees is REMANDED to the Magistrate Judge for consideration of the objections raised in Defendant's brief.

THUS, DONE AND SIGNED in Chambers on this 11th day of August 2022.



DAVID C. JOSEPH
UNITED STATES DISTRICT JUDGE